

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>				1. CONTRACT ID CODE <div style="text-align: center;">J</div>		PAGE OF PAGES <div style="text-align: center;">1   4</div>	
2. AMENDMENT/MODIFICATION NO. <div style="text-align: center;">0005</div>		3. EFFECTIVE DATE <div style="text-align: center;">13-Jan-2006</div>		4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO.(If applicable)	
6. ISSUED BY CODE  USA ENGINEER DISTRICT, NEW YORK ATTN:CENAN-CT ROOM 1843 26 FEDERAL PLAZA NEW YORK NY 10278		7. ADMINISTERED BY (If other than item 6) CODE  <div style="text-align: center;"><b>See Item 6</b></div>					
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				X 9A. AMENDMENT OF SOLICITATION NO. W912DS-06-B-0001			
				X 9B. DATED (SEE ITEM 11) 09-Dec-2005			
				10A. MOD. OF CONTRACT/ORDER NO.			
				10B. DATED (SEE ITEM 13)			
CODE		FACILITY CODE					
<b>11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS</b>							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>  1  </u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
<b>13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS.</b> IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) The purpose of this amendment is to:  A. Make changes to the Plans and Specifications as detailed on the SF30 Block 14 Continuation Page.  B. Provide answers to contractors questions. (FOR INFORMATION ONLY)  C.Note: Bidders must acknowledge receipt of this amendment by the date specified in the solicitation (or as amended) by one of the following methods: In the space provided on the SF1442, by separate letter, or by telegram, or by signing the block 15 below. FAILURE TO ACKNOWLEDGE AMENDMENTS BY THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR BID IN ACCORDANCE WITH THE LATE BID, LATE MODIFICATIONS OF BIDS OR LATE WITHDRAWAL OF BIDS (FAR 14.304).   Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
				TEL: _____ EMAIL: _____			
15B. CONTRACTOR/OFFEROR  _____ (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA  BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED  13-Jan-2006	

## SECTION SF 30 BLOCK 14 CONTINUATION PAGE

**SUMMARY OF CHANGES**

## SECTION SF 30 - BLOCK 14 CONTINUATION PAGE

The following have been added by full text:

AMENDMENT 0005

The following changes shall be made to the specifications and plans.

**1-SPECIFICATIONS:**

A)-“Solicitation, Offer, And Award”, Standard Form 1442 paragraph 13 D: revise 90 to 15

**B)-Section 00800 Special Contract Requirements**

Paragraph 4 subparagraph b page 59 of 103; Revise paragraph b with the new paragraph below:

“b. Contractor shall take out and maintain Sudden and Accidental pollution coverage for Contractor's pollution legal liability, including clean up, with a limit of not less than \$10 million per occurrence for bodily injury and property damage liability tailored to the specific exposures as they relate to the Mitigation Project. The policy shall be on an occurrence form and shall provide coverage for bodily injury and damage occurring under water, on land, and airborne.”

Paragraph 4 subparagraph d page 59 of 103; add “New Jersey Turnpike Authority” as an additional insured.

**2-QUESTIONS AND ANSWERS**

**The following questions and answers are provided for information only. Nothing contained below amends or revises any provision of the solicitation**

The New York District has received questions about the contract

**1-Question:** Contract drawing G-002, Note #13 the first sentence states “ Heavy equipment used in grading operation must operate on timber marsh mats.” The remainder of the note requires that there is to be no equipment on the final grade. The specification section 00800- Special Contract Requirements, Article 1- Commencement, Prosecution, and Completion of Work, paragraph f, this paragraph indicates all low ground pressure machines and trucks. Is It the intent of the Corp. to limit travel across the wetlands to the Timber Marsh mat Roads or would alternate low ground pressure equipment / Haulers be allowed to traverse the site off the Timber Marsh Mat Roads

**Answer:** The Timber Marsh Mat Roads as depicted on the drawings and as discussed in Note 2 on Plan Sheet C-117 (Sheet 19 of 50) are to provide a means of traversing the marsh while protecting the marsh substrate. As indicated the location of the Timber Marsh Mat Roads are for reference only and may be adjusted during excavation to provide access for grading and hauling. The use of low ground pressure equipment during excavation, grading and hauling will most likely require the use of timber mats as well.

The final intent of Note 13 is to prohibit any mechanized equipment from crossing areas that have been graded and are ready for planting to eliminate rutting and damage to the planting surface.

**2-Question:** Addendum #2 under the “Notes for Price Schedule” item #5 states “ If the award of Optional Items 0002AA – 0002BL does not occur prior to the Notice to Proceed or within 30 days of Notice to Proceed, 260 calendar days will be added to the completion date of the contract to accomplish the work covered by the Optional Items”. This statement indicates that the work may be concurrent or it may be separate, whereas Area “B” is completed after Area “A” is complete. The cost of the project is affected depending on which way the project is to be let. If area “A” and “B” are concurrent or separate. Please indicate, if possible, which way to bid.

**Answer:** Project is to be bid as indicated, base contract with options.

**3-Question:** Specification section 00800 - - Special Contract Requirements, Article 4, Insurance Procured by the contractor and the Port Authority, Paragraph B, Indicates that the contractor shall take out and maintain Pollution Legal Liability Insurance. Pollution Legal Liability Insurance is not a policy that can be procured unless you are the owner of the property. Pollution Liability Insurance we can provide, the Legal Liability we cannot. Will the Pollution Liability Insurance suffice for the contract?

**Answer:** See Amendment No. 5, paragraph revised

**4-Question:** The project is being bid on January 18, 2006 with 90 days to award. This would take us to approximately April 18, 2006 for award. The project will require Contracts signing, Mobilization and set up. Assuming a month to accomplish obtaining signed contracts, mobilize and setup we are looking at beginning excavation approximately +/- May 18, 2006. The end of the planting season for plugs is July 15, 2006 and there is no fall planting season per the amendment #4. This provides approximately 44 working days to have the excavation complete and the plantings installed. Is this the timeline that the Corps. Is looking at? I don't believe that the work can be completed in this time frame.

**Answer:** While the contract allows 90 days to award, the Government intends to award the contract within 15 days of receipt of bids See Amendment No. 5 for changes to Standard Form 1442 “Solicitation, Offer, And Award”.

**5-Question:** -the 7/15/06 end date for low marsh plantings means the job needs to be done by 6/15/06. Since the job has a 270 day schedule this conflicts with the planting restriction. If excavation continues to meet the 270 day schedule and it can not be planted until next spring the marsh area will become unsuitable for planting at all. It would seem that you need to rethink the schedule to coordinate it with the landscaping or cost will rise and damage claims will be moving at a fast pace on this job.

**Answer:** Planting restriction pertains to work within the marsh. Excavation and planting within the marsh must be completed by July 15<sup>th</sup>. Grading, topsoiling and planting of Placement Areas are allowable beyond July 15<sup>th</sup> and is anticipated to include the Fall Planting Season for Trees and Shrubs. While the contract allows 90 days to award, the Government intends to award the contract within 15 days of receipt of bids See Amendment No. 5 for changes to Standard Form 1442 “Solicitation, Offer, And Award.

#### SECTION 00010 - SOLICITATION CONTRACT FORM

The offeror acceptance period has decreased by 75 from 90 to 15.

(End of Summary of Changes)